

REMARKS

With the cancellation of claim 15, claims 1, 14, and 16-29 remain pending in the above-referenced application and are submitted for the Examiner's reconsideration.

Claims 1, 14-15, 19-21, 24, and 26 stand rejected under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent No. 6,240,363 to Theimer et al. ("Theimer"). Applicant submits that Theimer does not anticipate or suggest the invention as presented in the claims for at least the following reasons.

Claims 1, 24, and 26 have been amended to include the features of cancelled claim 15, in that the sequence of the travel instructions are continued to be stored in the central station after a first retrieval for a specifiable period of time, and the stored sequence of the travel instructions are updated during the specifiable period of time.

By contrast, Theimer describes a navigation method, in which "the starting point and destination of a desired route are entered, and are transmitted from a navigation device to a central processing unit, in that appropriate map material is used in the central processing unit to determine a route, and in that the determined route is transmitted to the navigation device requesting the route, *and is stored there* ..." Col. 4, lines 7 to 14. (Emphasis added). In particular, [t]he arithmetic unit 15 [of the navigation device] is equipped with a memory unit 16 for storing the data for a route". Theimer, col. 5, lines 12 to 13. In this regard, it is respectfully submitted that the central processing unit is not described as storing data of any kind, or even capable of storing data. Accordingly, Theimer does not disclose, *inter alia*, continuing to store a sequence of travel instructions in a central station after a first retrieval for a specifiable period of time and updating the stored sequence of travel instructions during the specifiable time, as recited in claim 1, 24, and 26.

The Office Action asserts on page 4 that Theimer discloses "continuing to store / memory (16) the sequence of the travel instructions in the central station (12) after a first retrieval for a specifiable period of time by a input device (17)". However, such an assertion is plainly incorrect since the memory 16 referred to by the Office is not located the base station 12, but rather in the navigation device 10. Also, Figure 1, col. 3, lines 54 to 58, and col. 5, lines 10 to 32, which were cited by the Office Action as supporting its assertion, in no way disclose or suggest the memory 16 as part of the base station 12, and moreover, in no way disclose a storage of any kind by the base station 12. Accordingly, the citations provided by the Office fail to support its assertions.

The Office Action also asserts on page 4 that Theimer discloses “updating the stored sequence of the travel instructions during the specifiable period of time by a user”. However, it is respectfully submitted that column 3, lines 16 through 32, of Theimer that were cited by the Office Action to support its assertion merely point out that the display of the information is updated, and therefore a suggestion that a stored sequence of travel instructions is updated is not disclosed.

As regards the anticipation rejection of the claims, to reject a claim under 35 U.S.C. § 102(b), the Office must demonstrate that each and every claim limitation is contained in a single prior art reference. (*See Scripps Clinic & Research Foundation v. Genentech, Inc.*, 18 U.S.P.Q.2d 1001, 1010 (Fed. Cir. 1991)). Still further, not only must each of the claim limitations be identically disclosed, an anticipatory reference must also enable a person having ordinary skill in the art to practice the claimed invention, namely the claimed subject matter of the claims. (*See Akzo, N.V. v. U.S.I.T.C.*, 1 U.S.P.Q.2d 1241, 1245 (Fed. Cir. 1986)). As explained above, it is respectfully submitted that the Office Action does not meet this standard, for example, as to the features of claims 1, 24, and 26, and that, at least for the reasons discussed herein, the reference relied upon would not enable a person having ordinary skill in the art to practice the subject matter of the claims 1, 24, and 26. Accordingly, Applicant respectfully requests withdrawal of the rejection of claims 1, 24, and 26 under 35 U.S.C. § 102(e).

As for dependent claims 14, 19-21, and 28, Applicant respectfully submits that these claims are not anticipated by Theimer for at least the same reasons given in support of the patentability of claims 1, 24, or 26.

Claims 16-18, 25, and 29 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Theimer. Applicant respectfully submits that claims 16-18, 25 and 29 are patentable for at least the same reasons given above in support of the patentability of claim 1, from which claims 16-18 and 29 depend, and claim 24, from which claim 25 depends.

Moreover, the Office Action’s assertion without further basis that “it would have been obvious to one of ordinary skill in the art at the time the invention was made to employ the system of Theimer [to] includes [sic] a memory unit to provide any desired travel instructions to the user” or that “it would have been obvious to one of ordinary skill in the art at the time the invention was made to employ the system of Theimer [to] includes [sic] a fixed second arithmetic unit is [sic] in a personal computer for providing the same function as desired” or that “those skilled in the art should recognize that the arithmetic unit (15) must be

located in or about in the car radio device so the driver may comfortable [sic] access the travel instructions” is mere hindsight reasoning and fails to demonstrate a requisite motivation to modify the Theimer reference to provide the claimed features, which the Office Action admits is not disclosed by Theimer. Accordingly, it is respectfully submitted that claims 16-18, 25 and 29 rejected as obvious are allowable over the reference relied upon for these further reasons.

Claims 22-23 and 27 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Theimer in view of U.S. Patent No. 5,825,283 to Camhi (“Camhi”). Applicant submits that claims 22-23 and 27 are patentable for at least the same reasons given in support of the patentability of claim 1, from which they depend. Moreover, the Office Action’s assertion that “it would have been obvious to one of ordinary skill in the art at the time the invention was made to have the teaching of Camhi in the system of Theimer for providing rapid access to the user is assured any where in the world to receive any desired information” fails to demonstrate a requisite motivation to combine the references relied upon. Accordingly, it is respectfully submitted that claims 22-23 and 27 rejected as obvious are allowable over the references relied upon for these further reasons.

CONCLUSION

Applicant asserts that the present invention is new, non-obvious, and useful. Consideration and allowance of the claims are requested.

Respectfully submitted,

KENYON & KENYON

By: *Richard L. Mayer* (Reg. No. 41,172)

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By: *Richard L. Mayer*

Richard L. Mayer
Reg. No. 22,490

One Broadway
New York, NY 10004
(212) 425-7200